



CANNON BUILDING
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**STATE OF DELAWARE
REAL ESTATE COMMISSION**

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PUBLIC MEETING MINUTES:	REAL ESTATE COMMISSION
MEETING DATE AND TIME:	Thursday, May 8, 2014 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES FOR APPROVAL	June 12, 2014

MEMBERS PRESENT

Michael Harrington, Sr., Professional Member, Chairman
Andrew Staton, Professional Member, Vice Chairman
Ricky H. Allamong, Professional Member, Secretary
Christopher J. Whitfield, Professional Member
Justin Healy, Professional Member
Gilbert Emory, Public Member
Lynn Rogers, Public Member
Joseph F. McCann, Public Member
James C. Brannon, Jr., Public Member

DIVISION STAFF/ DEPUTY ATTORNEY GENERAL

David Mangler, Director of Professional Regulation
Eileen Kelly, Deputy Attorney General
Sandra Wagner, Administrative Specialist III
Jessica Williams, Administrative Specialist II

MEMBERS ABSENT

ALSO PRESENT

Donna Klimowicz, Real Estate Education Committee
Denise Tatman, DAR
Andrew Taylor, Esq.
Colin McGowan, Frederick Academy
Mitri Habash

CALL TO ORDER

Mr. Harrington called the meeting to order at 9:02 a.m.

REVIEW OF MINUTES

Mr. Staton made a motion, seconded by Mr. Emory, to approve the minutes of the meeting held on April 10, 2014. By unanimous vote, the motion carried.

NEW BUSINESS

Education Committee Report

Ms. Klimowicz went through the Education Committee minutes with the Commission. They had 17 new courses approved and 2 denied, 7 instructor applications were approved and 2 were denied.

Long and Foster has finally complied with the correct course review format that the Education Committee requires. Long and Foster has been notified that they can resume holding classes to teach the modules.

Ms. Klimowicz explained that the Education Committee had some unfinished business with Frederick Academy that was tabled due to the rules stating that a broker is supposed to teach the pre-licensing course and the application submitted wasn't from a Delaware broker and that a letter was received stating where the pre-licensing course would be held and there was not a confirmation that the Department of Education had approved the site. There is a 50 page application that needs to be filled out and sent to the Dept. of Ed to get approval of a site to hold classes. There was no indication that this application was submitted to the Dept. of Ed. Ms. Klimowicz stated that both of Frederick Academy's requests were denied not tabled. Frederick Academy was denied because there was no location filled out on the application, nor evidence that the Dept. of Ed approved the site. Mr. Staton asked about Frederick Academy's other approvals and wanted to know if they ever had this problem approving anything from Frederick Academy before. Ms. Klimowicz stated no and that this is the Academy's first request to teach the pre-licensing course.

Mr. Harrington addressed Mr. McGowan and asked if he would like to speak. Mr. McGowan stated he wasn't aware that the Education Committee denied his applications since their meeting had just occurred last Thursday. Mr. McGowan stated that he is fully aware of what the requirements are for the Dept. of Education and that he needed to have approval of holding the pre-licensing course before the Dept. of Ed would come out and inspect the site for approval. Mr. Staton asked Ms. Jessica Williams to provide some feedback since she has been with the Education Committee for a long time. Ms. Williams stated that they have two course providers that are on the Education Committee and they both stated they got their site approval through the Dept. of Education first before getting approval from the Education Committee to hold the class. Mr. Staton questioned if we know what the right process is. Ms. Williams stated that the members on the Education Committee were different course providers and they stated that they get Dept. of Ed approval first then get the Commission's approval second. Ms. Klimowicz stated that Mr. McGowan's application just stated that they have a Dept. of Ed approval but did not give the specific location or capacity and that is a requirement in order for the Education Committee to approve a site. The application was incomplete by not having stated a location. Mr. Harrington asked Mr. McGowan if he had approval with the Dept. of Ed. Mr. McGowan stated his has approval; however the Dept. of Ed has not completed the site approval as of yet. Mr. McGowan stated that he needs to be an approved course provider with approved instructors before the Dept. of Ed will do the site approval. Mr. McGowan stated that he has always completed the process this way and the Frederick Academy has had over 6 sites approved by the Dept. of Ed. The guidelines state that in order to be an approved course provider the site has to be Dept. of Ed approved. The Commission had a discussion about having a contingent approval. Mr. McGowan stated that the course will not be taught until Dept of Ed has approved.

Ms. Kelly asked the Commissioners to look at a letter that was submitted by Sal Sedita about Long & Foster. The Education Committee looked at the information about how Long & Foster goes about recruiting. The Education Committee asked Ms. Kelly to draft a letter to be presented to the Commission pertaining to the recruiting of students. Ms. Kelly drafted the letter and it was given to the

commission to review and was discussed. Mr. Allamong made a motion, seconded by Mr. Brannon, to send the letter that was drafted by Ms. Kelly to Long & Foster. By unanimous vote, the motion carried.

Recommendation to Approve and Deny Course Providers, Instructor Applications and Student Requests as Noted

Mr. Whitfield made a motion, seconded by Mr. Staton, to approve to the education approvals submitted by the Education Committee. By unanimous vote, the motion carried.

Applications for Licensure

Ratification of Salesperson Applications

Mr. Allamong made a motion, seconded by Mr. Brannon, to ratify the following applications for salespersons:

Diana Welch, Keller Williams, Dover, DE
Jill Racz, Jack Lingo Realtor, Lewes, DE
Jillian Spinazzola, NRT Phila LLC d/b/a Coldwell Banker Preferred, Wilmington, DE
Christine DiMauro, Patterson-Schwartz & Associates, Inc., Newark, DE
John Denney III, Keller Williams Realty, Wilmington, DE
Cailey Macindoe, Premier Realty Inc., Wilmington, DE
Eva Monteagudo, Keller Williams at the Beach, Rehoboth Beach, DE
Beth Sowers, Berkshire Hathaway Home Svc Fox & Roach, Bear, DE
Jayson Vit, Buyer's Choice Real Estate Services, Berlin, MD
Sandra Penman, Patterson Schwartz Real Estate, Middletown, DE
Paul Cook, Seashore Realty, Inc., Fenwick Island, DE
Susan Miller, Gioffre Commercial Realty, LLC, Wilmington, DE
Kathleen Lowing, Realty Mark Associates, Philadelphia, PA
Brad Murray, Long & Foster Real Estate, Inc., Bethany Beach, DE
William Dean, Premier Realty, Inc., Wilmington, DE
Kelly Cole, Berkshire Hathaway Home Svc Fox & Roach, Hockessin, DE
Sylvia Gallegos, Keller Williams Realty, Newark, DE
Stefanie Morris, Berkshire Hathaway Home Svc Fox & Roach, Hockessin, DE
Sandra Smyth, Patterson Schwartz Real Estate, Hockessin, DE
Robert Hansen, Weichert Realtors, Chadds Ford, PA
Gena Wilkinson-Currie, Keller Williams Realty, Wilmington, DE
Brady Carroll, Keller Williams Realty, Wilmington, DE
Mark Esposito, Long & Foster Real Estate, Inc., Bear, DE
Victoria Carlisle, Long & Foster Real Estate, Rehoboth Beach, DE
Jamie Anderson, Patterson Schwartz Real Estate, Greenville, DE
Daniel Thomas, Keller Williams Realty, Wilmington, DE
Rustin Dukes, Home Team Realty, Seaford, DE
Abebe Lackey, Berkshire Hathaway Home Svc Fox & Roach, Bear, DE
Nancy Penn, Keller Williams Realty, Christiana, DE
Nancy Altizer, NRS Referral Services, LLC, Hockessin, DE
Michele Barone, Maggio Shields Real Estate Brokerage, Rehoboth Beach, DE
Robert Souffie, Keller Williams Realty, Wilmington, DE
Brandin Hudson, Long & Foster Real Estate, Inc., Bear, DE
Maria DeSimone, Berkshire Hathaway Home Svc Fox & Roach, Hockessin, DE
Colin Jackson, TPW Management, LLC, Lewes, DE
Donna Albert, Weichert Realtors, Chadds Ford, PA
Rebecca DiFelice, Coldwell Banker, Bethany Beach, DE

By unanimous vote, the motion carried.

Review of Salesperson Applications

Ms. Kelly described the reason for the review of Mr. John Panasuk's application. Mr. McCann made a motion, seconded by Mr. Emory, to approve licensure to Mr. Panasuk application. By unanimous vote, the motion carried.

Ms. Kelly described the reason for the review of Mr. Matthew Weiler's application. Mr. McCann made a motion, seconded by Mr. Emory, to approve licensure to Mr. Weiler's application. By unanimous vote, the motion carried.

Ms. Kelly described the reason for the review of Mr. Damon Walker's application. Mr. McCann made a motion, seconded by Mr. Emory, to approve licensure to Mr. Walker's application. By unanimous vote, the motion carried.

Review of Broker and Associate Broker Applications

The Commission reviewed the associate broker's application of Marvin Capps. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Capps' application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Matthew Cooper. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Cooper's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Timothy Carter. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Carter's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Marcus DuPhily. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. DuPhily's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of David Landon. Mr. Whitfield made a motion, seconded by Mr. McCann, to approve Mr. Landon's application. By unanimous vote, the motion carried.

The Commission reviewed the broker's application of Erik Hoferer. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Hoferer's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of John Ellis. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Ellis' application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Shana Delcollo. Mr. Staton made a motion, seconded by Mr. McCann, to approve Ms. Delcollo's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of David Morrison. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Morrison's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Diane Salvatore. Mr. Staton made a motion, seconded by Mr. McCann, to approve Ms. Salvatore's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of Craig Schwartz. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Schwartz's application. By unanimous vote, the motion carried.

The Commission reviewed the associate broker's application of John Rappa. Mr. Staton made a motion, seconded by Mr. McCann, to approve Mr. Rappa's application. By unanimous vote, the motion carried.

Review of Applications for Reinstatement

The Commission reviewed the application of Neil Brosnahan for reinstatement of a salesperson's license. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Mr. Brosnahan's reinstatement application. Mr. Brosnahan took the Delaware state exam and passed. By unanimous vote, the motion carried.

The Commission reviewed the application of Vernon Esham for reinstatement of a salesperson's license. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Mr. Esham's reinstatement application upon successful passing of the Delaware State exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Dion Williams for reinstatement of a salesperson's license. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Mr. Williams' reinstatement application upon successful passing of the Delaware State exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Martine Vagnier for reinstatement of a salesperson's license. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Ms. Vagnier's reinstatement application upon successful passing of the Delaware State exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Virginia Dugan for reinstatement of a salesperson's license. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Ms. Dugan's reinstatement application upon successful passing of the Delaware State exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Grace Johnson for reinstatement of a salesperson's license. Mr. Brannon made a motion, seconded by Mr. Rogers, to approve Ms. Johnson's reinstatement application upon successful passing of the Delaware State exam. By unanimous vote, the motion carried.

The Commission reviewed the application of Keith Adams for reinstatement of a salesperson's license. After discussion by the Commission, Mr. Whitfield made a motion, seconded by Mr. Staton, to approve Mr. Adams' reinstatement application upon successful passing of the Delaware State Exam. Mr. Adams took the General exam in Pennsylvania in 2013. By unanimous vote, the motion carried.

Review of Applications for New Office

The Commission reviewed the application of H.H. Quillen & Company for a relocation of office. Mr. Whitfield made a motion, seconded by Mr. Staton, to approve the relocation of office application. By unanimous vote, the motion carried.

The Commission reviewed the application of Habash Commercial Realty, LLC for a new office. Mr. Whitfield made a motion, seconded by Mr. Staton, to approve the new office application. By unanimous vote, the motion carried.

Status of Complaints

Complaint # 02-06-13 – closed by Investigator

Complaint # 02-52-13 – closed by Investigator

Complaint # 02-57-13 – closed by Investigator

Complaint # 02-17-13 – closed by Investigator

Complaint # 02-14-13 – closed by Investigator

Correspondence

Letter from Mr. Colin McGowan

Mr. McGowan was denied by the Education Committee to teach the pre-licensing course. Mr. McGowan presented a letter to the Commission appealing the decision of the Education Committee. Mr. Whitfield asked the Commission to look at 9.0 in the guidelines for instructor qualifications, which states that the pre-licensing course is to be taught by a Broker/Associate Broker, but does not say that it has to be a Delaware Broker. The Education Committee has a concern about a Broker from another state teaching Delaware law to students when they are not a licensed Delaware Broker. Ms. Kelly had the Commission review 9.1.1 and 9.2 of the guidelines. Mr. Harrington asked Mr. McGowan if he would like to talk about the letter he submitted to the Commission. Mr. McGowan stated that he will not be teaching the law portion of pre-licensing as that is taught by Mr. Andrew Taylor, Esq. Mr. Staton made a motion, seconded by Mr. Whitfield, to approve Mr. McGowan as an instructor of the pre-licensing course. After further discussion, Mr. Staton withdrew his original motion. Mr. Whitfield made a motion, seconded by Mr. Staton, to accept Mr. McGowan as an instructor for the pre-licensing course, contingent on the approval from DOE for the location of the school. By unanimous vote, the motion carried.

Letter from Mr. Timothy Woodson

The Commission reviewed the request from Mr. Woodson. Mr. Woodson is on active duty and is asking to have his license placed on inactive status. Mr. Staton made a motion, seconded by Mr. Brannon, to grant Mr. Woodson's request to go inactive and waiving the fee for inactive status approved by the Division of Professional Regulation. By unanimous vote, the motion carried.

Letter from Mr. Kurt Brown in behalf of Mr. Virgil Brown

The Commission reviewed the request from Mr. Kurt Brown on behalf of Mr. Virgil Brown. Mr. Brown is in the hospital right now will not be able to renew his license or finish his continuing education. The Commission asked Ms. Wagner if Mr. Brown was the Broker of record for his office. After looking at the internal system for the Division, Ms. Wagner stated that yes he was the BOR. After further discussion, Mr. Whitfield made a motion, seconded by Mr. Healy, to grant Mr. Brown 120 days to renew and complete his continuing education contingent on Ms. Wagner finding out if he has anyone working out of this office since Mr. Brown is the BOR. If it is found that Mr. Brown does have agents working for him that Mr. Brown will have to have a temporary Broker run his office until Mr. Brown is back in his office. By unanimous vote, the motion carried.

Letter from Mr. Jim Dubinsky

The Commission reviewed the request from Mr. Jim Dubinsky. Mr. Dubinsky was present at the meeting and asked the Commission if he could speak. Mr. Dubinsky explained to the Commission that he has been on an inactive status since 2000 when he moved away from Delaware. Mr. Dubinsky understands that he will need 105 hours of CE of which the Education Committee will have to review for approval. Mr. Dubinsky sent an email to the Division in October of 2012 around the time that hurricane Sandy hit. Mr. Dubinsky never received his notice to renew the inactive license, so this put him in a lapsed/must reinstate status. Mr. Dubinsky would appreciate the Commission granting him the ability to go back to an inactive status instead of lapsed/must reinstate status. Mr. Dubinsky was under the impression that he had 6 months to renew his license; however the late renewal for Real Estate is 60 days. Mr. Staton made a motion, seconded by Mr. Rogers, to table Mr. Dubinsky's request until the Education Committee has the chance to see if any of Mr. Dubinsky's CE from VA can be used as part of the 105 hours needed. By unanimous vote, the motion carried.

Letter from Mr. Jim Brady

The Commission reviewed the request from Mr. Brady. Mr. Brady has been experiencing extenuating circumstances justifying non-compliance with the continuing education requirements. Mr. Brady is asking for additional time to complete his continuing education. Mr. Staton made a motion, seconded by Mr. McCann, to give Mr. Brady an extension to August 1, 2014 to complete his continuing education and submit this to the Commission for review and allowing him to renew his license. By unanimous vote, the motion carried.

Discussion: 2014 Seminar Topics

Mr. Harrington asked that this discussion be tabled until next month. The Commission went back to this discussion. Mr. Harrington said that the Education Committee did such an excellent job last year with the Seminar that he would like the Education Committee to see what topics they can come up with for the 2014 Seminar. Ms. Wagner will let the Education Committee know what the Commission is asking them to do.

Discussion: Auctioneer HB 285

Mr. Whitfield opened the discussion about the Committee meeting that was held on Monday, May 5, 2014 at Legislative Hall. This meeting was with the Auctioneers, DAR, and Commission members to speak about HB 285. Through the discussion one item that became contentious was the auctioneer having 15 days after the close of an auction to go to other bidders if the first bidder was not able to secure the sale. This language was not supported by Mr. Whitfield or the Delaware Association of Realtors (DAR). After the Committee meeting there was discussion about retaining 15 days post auction language, however the time period would only be held open for the top 5 active bidders

Mr. Joe Fitzgerald representing the Auctioneers handed out copies of revised language. Mr. Whitfield stated that, at the Committee meeting, there was also a discussion about the exception for Auctioneers in the Commission's Law. The Auctioneers were asked to have a similar exception in their Law for real estate licensees. As long as a real estate licensee had a business license to conduct an auction they would have an exception to auction real property. Mr. Whitfield stated that he would like to know the position of the Auctioneers on the exception in their Law for real estate licensees. Mr. Watson Jr., president of the Auctioneers Association, stated that if they have an exception in their law, this would cause about 3000 people becoming licensed as auctioneers. The stance of the auctioneers is that they do not support putting an exception in their Law and they would be concerned about people not having the proper training while performing auctioneering.

Mr. Harman with the Delaware Association of Realtors wanted to make a clarification that there wouldn't be 3000 brokers acting as auctioneers and that number would be a lot smaller. Mr. Harman's main concern is that there is a vast divide between having an auction license and being able to practice

real estate. Real estate licensees have to complete continuing education and there are provisions to protect the public. Mr. Harman thinks there should be an exception for real estate licensees added to the Auctioneer Bill. Mr. Andy Taylor representing the DAR suggested that the number of brokers that would be interested in having dual licenses as Realtors and Auctioneers would be a very small number. Mr. Taylor stated that the language pertaining to 5 bidders would need to be updated to state that they would all sign some kind of contract so that they could be locked in on being the top bidders with the bids that they made. If not that would be more of trying to make a sale of the property which would fall under the Real Estate Commission. DAR and Mr. Taylor would like the Auctioneers to change the wording to be "in succession" when it comes to the top 5 bidders. There was discussion of a contract to establish who the bidders were and what they were willing to pay so there wouldn't be price and terms negotiations. The Auctioneers stated that they are trying to get the highest amount possible for the seller and without being able to negotiate how they can get the best price. Mr. Taylor stated that DAR would support the draft document if the auctioneers would amend the draft to include "in succession" and to have an exception for real estate licensees. Mr. Staton made a motion, seconded by Mr. McCann, to support the proposed HB 285 with following amended language, Line 17 striking "anyone of" and adding "in succession to", Line 18 adding "an affidavit verifying the highest bidders or one of the remaining highest active bidders", Line 23 striking the exception and adding "pursuant to the exception." By unanimous vote, the motion carried.

OLD BUSINESS

Deliberations on the proposed revisions to the Real Estate Commission Education Guidelines

Ms. Kelly gave an introduction of the hearing that was held last month. There was no public comment or written. Mr. Allamong made a motion, seconded by Mr. Rogers, to accept the revision to the Real Estate Commission Education Guidelines. By unanimous vote, the motion carried. The Final Order was signed by the Commissioners.

Deliberations on the proposed revisions to the Real Estate Commission rules and regulations

Ms. Kelly gave an introduction of the hearing that was held last month. There was no public comment or written. Mr. Staton made a motion, seconded by Mr. Rogers, to accept the revisions to the Real Estate Commissions rules and regulations. By unanimous vote, the motion carried. The Final Order was signed by the Commissioners.

Mr. Staton made a motion, seconded by Mr. Brannon, to make the revisions to the rules and the guidelines will be made retroactive from April 30, 2014. By unanimous vote, the motion carried.

Review and Signing of Hearing Officer Orders

Mr. Harrington signed an order for:

Jill Farina
Janell Foster
Tammi Goebel
Jayne Bair
Donyiell Adams

Paul Bradley and William Norman will be signed at June's Commission meeting.

Review of Tabled Hearing Officer Recommendation

Mr. McCann made a motion, seconded by Mr. Whitfield, to accept the Hearing Officer Recommendation for Mr. Chris Ledeker. By unanimous vote, the motion carried.

OTHER BUSINESS BEFORE THE COMMISSION (for discussion only)

There was no other business before the Commission.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting will be held on Thursday, June 12, 2014 at 9:00 a.m.

ADJOURNMENT

Mr. Brannon made a motion, seconded by Mr. Rogers, to adjourn the meeting. By unanimous vote, the motion carried. The meeting adjourned at 11:25 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Wagner".

Sandra Wagner
Administrative Specialist III

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.